

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

MUTANTS WHICH PRODUCE A POTENTIATOR OF BACILLUS PESTICIDAL ACTIVITY

the specification of which (check only one item below):

☐ is attached hereto

☒ was filed as United States application

Serial No. to be assigned

on May 30, 1995

and was amended

on \_\_\_\_\_

☐ was filed as PCT international application

Number \_\_\_\_\_

on \_\_\_\_\_

and was amended under PCT Article 19

on \_\_\_\_\_

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate "PCT")	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO
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			<input type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

**COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY**  
(Includes Reference to PCT International Applications)

Attorney's Docket Number:  
3766.220-US

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this applications is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S. FOR BENEFIT  
UNDER 35 U.S.C. 120:

U.S. APPLICATIONS		STATUS (Check one)		
U.S. APPLICATION NUMBER	U.S. FILING DATE	Patented	Pending	Abandoned
07/971,786	November 5, 1992			X
07/990,202	December 14, 1992			X
08/095,240	July 20, 1993			X
08/146,852	November 3, 1993		X	

PCT APPLICATIONS DESIGNATING THE U.S.

APPLICATION NO.	FILING DATE	US SERIAL NUMBERS ASSIGNED (if any)			

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.  
Steve T. Zelson Elias J. Lambiris Cheryl H. Agris Karen A. Lowney James J. Harrington  
Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 38,711

Send Correspondence to: Steve T. Zelson, Esq.  
Novo Nordisk of North America, Inc.  
405 Lexington Avenue, Suite 6400  
New York, New York 10174-6400

Direct Telephone Calls To:  
Steve T. Zelson  
(212) 867-0123

	Full Name of Inventor	Family Name Outtrup	First Given Name Helle	Second Given Name
	Residence & Citizenship	City DK-3750	State or Foreign Country Denmark	Country of Citizenship Denmark
	Post Office Address	Post Office Address Syvendehusvej 46	City DK-3750 Ballerup	State & Zip Code/Country Denmark
2	Full Name of Inventor	Family Name Lidster	First Given Name William	Second Given Name D.
	Residence & Citizenship	City Sacramento	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 4641 D Street	City Sacramento	State & Zip Code/Country California 95819/U.S.A.
3	Full Name of Inventor	Family Name MacIntosh	First Given Name Susan	Second Given Name C.
	Residence & Citizenship	City Woodland	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 908 Deborah Street	City Woodland	State & Zip Code/Country California 95695/U.S.A.
4	Full Name of Inventor	Family Name Starnes	First Given Name Robert	Second Given Name L.
	Residence & Citizenship	City Sacramento	State or Foreign Country California	Country of Citizenship U.S.A.
	Post Office Address	Post Office Address 418 Rio del Oro Lane	City Sacramento	State & Zip Code/Country California 95825/U.S.A.

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5	Full Name of Inventor	Family Name Manker	First Given Name Denise	Second Given Name Carol	
	Residence & Citizenship	city Davis	State or Foreign Country California	Country of Citizenship U.S.A.	
	Post Office Address	Post Office Address 3037 Prado Lane	City Davis	State & Zip Code/Country California 95616/U.S.A.	
6	Full Name of Inventor	Family Name	First Given Name	Second Given Name	
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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.					
Signature of Inventor 1		Signature of Inventor 2 <i>William D. Lister</i>		Signature of Inventor 3 <i>Susan C. MacIntosh</i>	
Date		Date June 19, 1995		Date 16 June 1995	
Signature of Inventor 4 <i>Robert L. Starnes</i>		Signature of Inventor 5 <i>Denise Carol Manker</i>		Signature of Inventor 6	
Date June 16, 1995		Date June 16, 1995		Date	
Signature of Inventor 7		Signature of Inventor 8		Signature of Inventor 9	
Date		Date		Date	

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Reg. No. 30,335 Reg. No. 33,728 Reg. No. 34,086 Reg. No. 31,274 Reg. No. 38,711

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New York, New York 10174-6400

Direct Telephone Calls To:

Steve T. Zelson  
(212) 867-0123

	Full Name of Inventor	Family Name Outtrup	First Given Name Helle	Second Given Name
	Residence & Citizenship	City DK-2750	State or Foreign Country Denmark	Country of Citizenship Denmark
	Post Office Address	Post Office Address Syvendehusvej 46	City DK-2750 Ballerup	State & Zip Code/Country Denmark
2	Full Name of Inventor	Family Name Lidster	First Given Name William	Second Given Name D.
	Residence & Citizenship	City Sacramento	State or Foreign Country California	Country of Citizenship U.S.A.
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	Residence & Citizenship	City Woodland	State or Foreign Country California	Country of Citizenship U.S.A.
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	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
	Full Name of Inventor	Family Name	First Given Name	Second Given Name
	Residence & Citizenship	City	State or Foreign Country	Country of Citizenship
	Post Office Address	Post Office Address	City	State & Zip Code/Country
<p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.</p>				
Signature of Inventor 1		Signature of Inventor 2		Signature of Inventor 3
Date		Date		Date
Signature of Inventor 4		Signature of Inventor 5		Signature of Inventor 6
Date		Date		Date
Signature of Inventor 7		Signature of Inventor 8		Signature of Inventor 9
Date		Date		Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: H. Outtrup *et al.* ) Attorney Docket No.: 5910.US.C4  
 ) VAL6131P0208AUS  
Serial Number: unassigned, continuation )  
of U.S. Patent Application Serial No.)  
09/013,375 )  
 ) Group Art Unit: unassigned  
Filing Date: May 15, 2001 )  
 ) Examiner: unassigned  
Re: Mutants Which Produce a Potentiator )  
of *Bacillus* Pesticidal Activity )

**DECLARATION AS TO THE DEPOSIT OF A MICROORGANISM**

Commissioner for Patents  
Washington, D.C., 20231

Dear Sir:

I hereby declare:

1. that I, Martin L. Katz, am the attorney of record in the above-mentioned U.S. Patent Application, (which is a continuation of U.S. Patent Application Serial No. 09/013,375) entitled "Mutants Which Produce a Potentiator of *Bacillus* Pesticidal Activity" filed on May 15, 2001 in the United States Patent and Trademark Office;
2. that a culture of strains EMCC 0086, EMCC 0087, EMCC 0129 and EMCC 0130 has been deposited according to the Budapest Treaty with the Agricultural Service Patent Culture Collection, Northern Regional Research Center, University Street, Peoria, IL,

61604, USA;

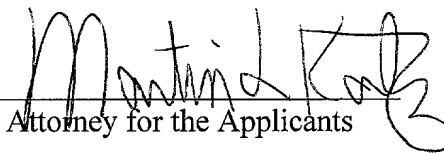
3. that the deposit meets the criteria set forth in 37 C.F.R. Sections 1.801-1.809, which deposits designated as deposit Accession Numbers NRRL B-21147; NRRL B-21148; NRRL B-21445 and NRRL B-21444 respectively;
4. that the culture will be available during the pendency of the above-identified patent application to one determined by the Commissioner of Patents and Trademarks to be entitled thereto under 37 C.F.R. Section 1.14 and 35 U.S.C. Sec. 122;
5. that upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposit will be irrevocably removed and that said culture deposit will be replaced should the depository be unable to distribute the sample upon a proper request during the period that extends thirty years from the date of deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest, with the understanding that the availability of a deposit does not constitute a license to practice the subject invention in derogation of patent rights granted by governmental action; and



6. that I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and such willful false statements may jeopardize the validity of the instant patent specification or any patent issuing thereon.

5/15/01

Date

  
\_\_\_\_\_  
Attorney for the Applicants